

The JFA Institute

Conducting Justice and Corrections Research for Effective Policy Making

Orleans Prison Population Projection Update

Submitted by

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Major Findings

1. Reported crime, arrests, the number of people being admitted to Orleans Parish Prison have steadily declined.
2. The OPP average daily prison (ADP) population also has continued to decline dropping from over 3,000 in 2009 to 2,250 by 2013.
3. The past year recorded another drop of 311 inmates due to a combination of declines in OPP bookings, pretrial length of stays and reductions in the state sentenced DOC prisoner population.
4. The emerging pretrial services agency has been evaluated by the U.S. Department of Justice's National Institute of Corrections. That report states that defendants released under the program have very low FTA and re-arrest rates. The report recommends further expansion of the program.
5. In terms of future growth, there are no external demographic, crime or arrest trends that would cause an increase in OPP admissions or the ADP.
6. Although the City will be adding 150 police officers to its existing 1,170 workforce level, it is not expected that these additional police officers will cause an increase in felony arrests and OPP bookings. Indeed, additional police may well result in reduced crime, fewer felony arrests and lower bookings as has been reported in New York and Los Angeles.
7. Under current demographic, crime and arrest trends, there will be a very modest decline in bookings over the next few years. This decline in bookings will result in a very modest decline in the jail population of approximately 109 inmates – much less than the 2013 reduction of 311 inmates.
8. There will also be a reduction of approximately 75 Plaquemines Parish inmates who are currently being held in the OPP once the new 800 bed Plaquemines prison opens this year.
9. Larger reductions (about 362 inmates) could occur for the existing DOC inmate population if they are promptly transferred after being sentenced to the DOC on at least one of their active felony charges.
10. Further reductions could be achieved by expanding the use of the pretrial felony population by either increasing the use of pretrial release (150 reduction) and/or expediting the disposition of felony cases.
11. Another 52 inmates who are probation and parole violators could be achieved by adopting expedited violation procedures that would reduce their time in custody before being re-released to probation or parole supervision.
12. Based on these policy and overall trend factors, the ADP prisoner population would decline to 1,510 by the end of 2014. This estimate is slightly less than the one made in the June 28, 2013 JFA report.

13. Further reductions are envisioned for 2015 as a variety of other city wide initiatives are launched to reduce crime, expand the use of pretrial release and implement additional court processing efficiencies.
14. It is entirely possible and practical to assume the OPP prisoner population could eventually be reduced by another 200 inmates. This would result in an average daily population of 1,310 inmates by the close of 2015.
15. This estimate is based on the U.S. DOJ NIC study that found a large number of the pretrial felony population who are charged with non-violent crimes are low risk, plus, the fact that it now takes an average of 40 days for criminal cases to reach the first arraignment hearing.
16. Even at the 1,310 jail population the Orleans Parish Prison Population rate would be 367 inmates per 100,000 population which is well above the U.S. national jail rate of 237 inmates per 100,000 population.
17. Using a 7.5% peaking and classification factor, the long-term bed need capacity for a 1,310 inmate population would be this population would be 1,409 beds.
18. Even further reductions in the OPP population in the outlying years can be anticipated as the effects of the consent decrees on the NPPD and OPP, plus, the Mayor's crime prevention and economic initiatives should serve to reduce the existing high rates of crime, arrests and recidivism.

Current and Projected CY 2014 and CY 2015 Average OPP Population
By Legal Status and Proposed Criminal Justice Policies

Legal Status	2013	2014 Current Trends	2014 New Policies	Net Population
Pretrial	1,153	1,095	-156	939
State/Felony	1,063	1,010	-125	885
City/Misd.	69	66	-26	40
Traffic	21	20	-5	15
		0		0
Sentenced	72	68	-1	67
Parish Prison	17	16	0	16
City/Misd.	53	50	-1	49
Traffic	2	2	0	2
				0
DOC Probation Violations	217	206	-26	180
DOC Parole Violations	176	167	-26	141
				0
DOC Sentenced Inmates	571	542	-362	181
Regular DOC	509	484	-302	182
DOC Work Release	62	59	-59	0
Plaquemines Parish	75	0	0	0
Projected 2014				
Total All Detained	2,264	2,080	-570	1,510
Peaking Factor @7.5%	2,434	2,236	NA	1,624
Projected 2015				
Total All Detained		2,017	-200	1,310
Peaking Factor @7.5%		2,168	-215	1,409

Introduction

This report is the sixth in a series of Orleans Prison Population (OPP) projection reports prepared for the Mayor's Office of New Orleans that serve to update current trends and population projections for the Orleans Parish Prison (OPP). These reports are designed to keep the Parish fully informed on those trends that may be influencing the future size of the OPP inmate population. The JFA Institute was originally asked to develop base prison population by the U.S. Department of Justice's National Institute of Justice for the Parish in 2010. At that time, the OPP population was approximately 3,100. As projected at that time, there were several reforms coupled with declining crime and arrest trends that suggested the OPP population could be significantly reduced. As contained in this report 2014 witnessed yet another significant drop in the OPP population by over 300 inmates.

Currently the Orleans Parish is preparing to open a new 1,438 bed jail. There is considerable concern about the future and additional bed needs for the Parish under both current and alternative criminal justice reforms. This report provides both a baseline projection (current policies) and an alternative scenario that would further lower the OPP population if implemented.

Population, Crime, Arrest, and Booking Trends

The previous reports have updated the demographic, crime and arrests trends for the Parish. These are factors that can serve to increase or reduce jail admissions which directly impacts the size of the OPP prisoner population.

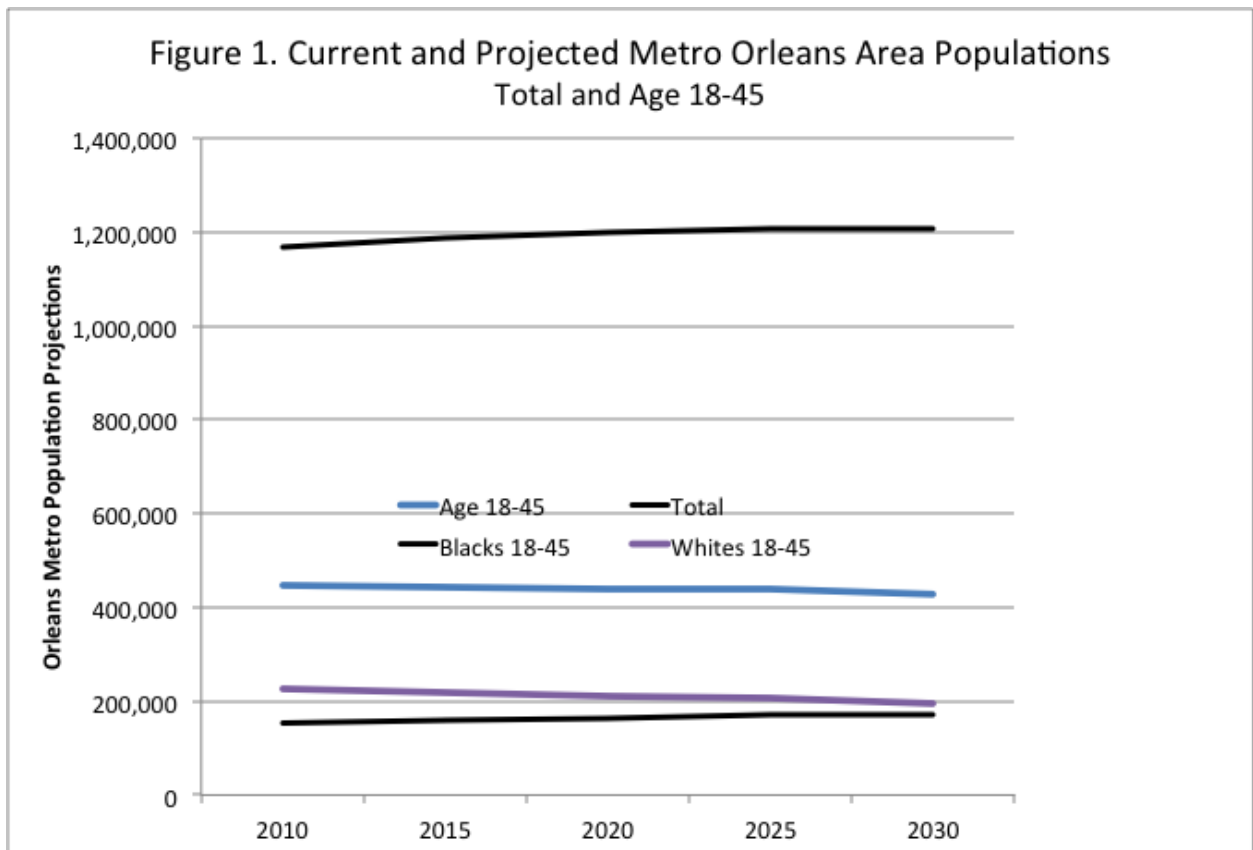
Figure 1 shows the projected demographic trends for the Orleans metropolitan area as developed and defined by the U.S. Census. Because there is a substantial number of people who reside in nearby Jefferson parishes, it would be proper to examine the metropolitan trends and not simply Orleans Parish although the trends are similar

Since Katrina there has been significant re-population of Orleans Parish which is currently estimated at approximately 369,250.¹ The entire metropolitan area is projected to slightly increase over the next 15 years (Figure 1). However, the so called "at risk" for incarceration group (people between the ages of 18 and 45) is actually projected to slightly decline which is consistent with the state and national trends of an aging population. As the population becomes increasingly older, it is expected that

¹ U.S. Census, <http://quickfacts.census.gov/qfd/states/22/22071.html>.

there will be a natural suppression of crime rates since there is a correlation between age structure and crime rates. These trends are positive relative to crime rates and thus the need for criminal justice resources.

The only contradictory trend is a slight increase in the size of the Black population between the ages of 18 and 45. As will be shown later on in the report, the number of people booked and held in the OPP is dis-proportionately Black (over 90%), so under current criminal justice policies the number of Blacks incarcerated could increase.



In terms of crime rates, there was a steady decline in reported crime between since 2002 and 2005 (Figure 2 and Table 1). After Katrina, the number of reported crimes bounced back up in 2006 and then began to decline again through 2012. In 2013, there was an uptick in the number of reported crimes solely due to an increase in property type crimes. In particular, theft crimes were the sole reason for the overall rise in reported crime. Violent crimes have continued to decline to their lowest levels.

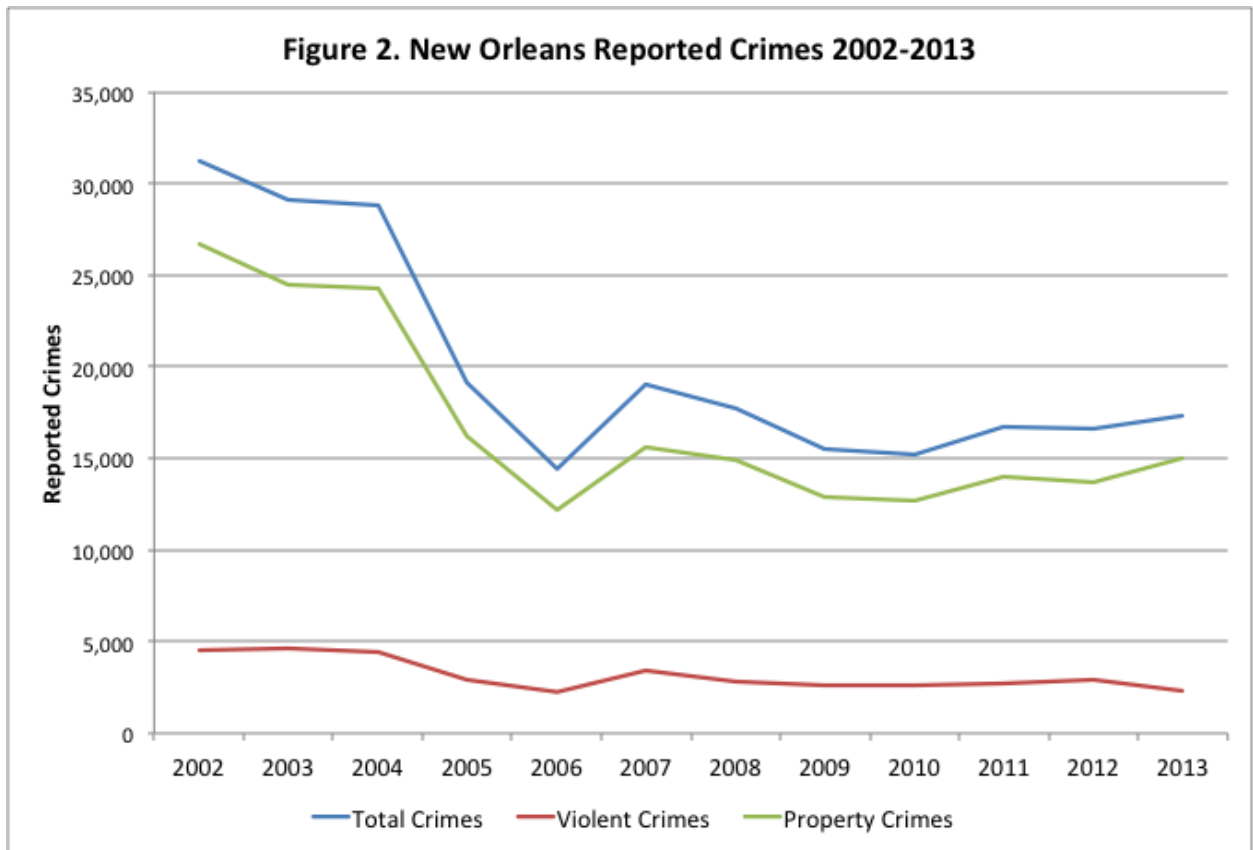


TABLE 1. HISTORICAL NEW ORLEANS REPORTED CRIME 2002-2013

Year	Violent	Property	Total Reported Crimes
2002	4,555	26,650	31,205
2003	4,595	24,477	29,072
2004	4,468	24,316	28,784
2005	2,875	16,270	19,145
2006	2,253	12,178	14,431
2007	3,452	15,583	19,035
2008	2,869	14,880	17,749
2009	2,614	12,944	15,558
2010	2,593	12,645	15,238
2011	2,747	14,013	16,760
2012	2,958	13,689	16,647
2013	2,366	15,012	17,378

Source: NOPD

The continued decline in violent crimes is important when estimating the future size of a jail population. People arrested for violent crimes are less likely to be released on bail or other forms of pretrial release. Conversely, property crimes and especially theft charges are more likely to be released in pretrial status, so an uptick in those crimes will have less of an increase on the jail.

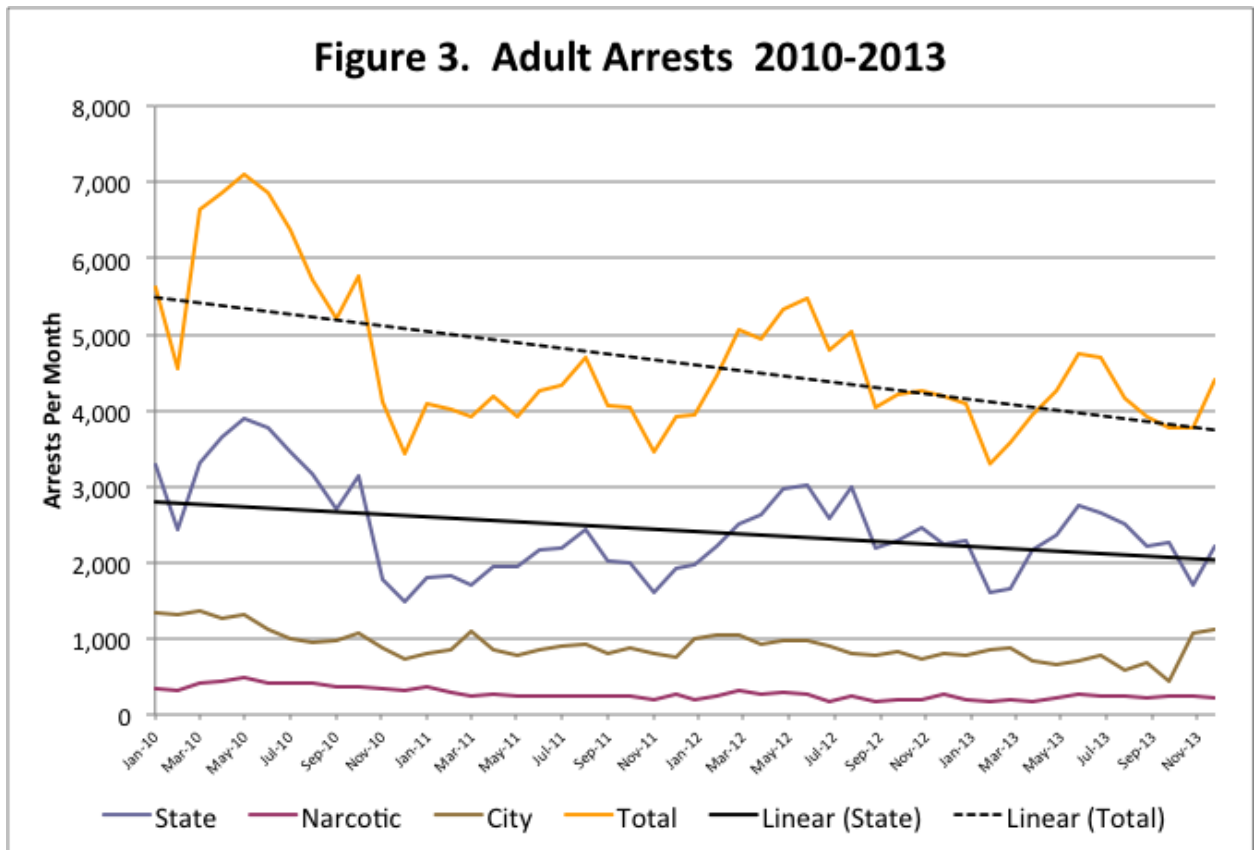
The most recent arrest data show that consistent with crime data, there has been a steady decline in adult arrests through 2012 (Figures 3 and 4). In 2013, there was a slight uptick just as there was an uptick in reported crime.

Bookings and Jail Population Trends

In terms of OPP admissions or bookings, the Sheriff has provided updated numbers of the people being admitted to the OPP and the number of criminal charges associated with each booking. These numbers are shown in Figure 5 and show a continuation of the overall decline in admissions that has been occurring over a number of years. In 2011, there was a total of 34,962. In 2013, there were 28,190 – a drop of over 6,000 bookings. The decrease in bookings is related to a greater use of summons in lieu of arrest by the NOPD.

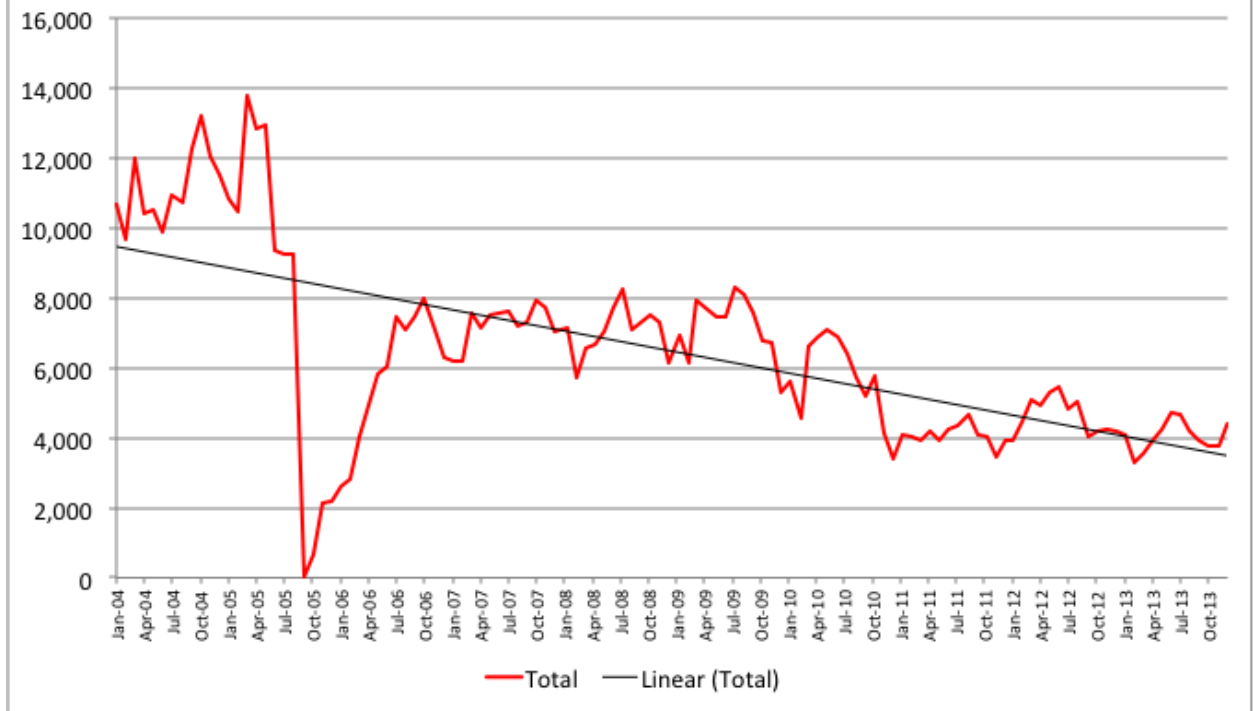
As with the arrests, there is also some seasonality in these admission trends as they tend to decline over the holiday season and then increase again after February. The number of charges associated with each person booked in the OPP remains well above the number of people admitted which simply means many of the people arrested and booked have multiple charges.

The steady decline in bookings is also associated with the decline in the OPP jail population which has continued to decline in 2013 (Figure 5). As of December 31, 2013 the total OPP inmate count was 2,048 as opposed to 2,264 in December 2012. The average population for 2013 was 2,287 which was 311 less than the average population for 2012. There are declines in virtually all categories although the greatest reductions were in the pretrial felons and sentenced DOC state inmates (Table 2).

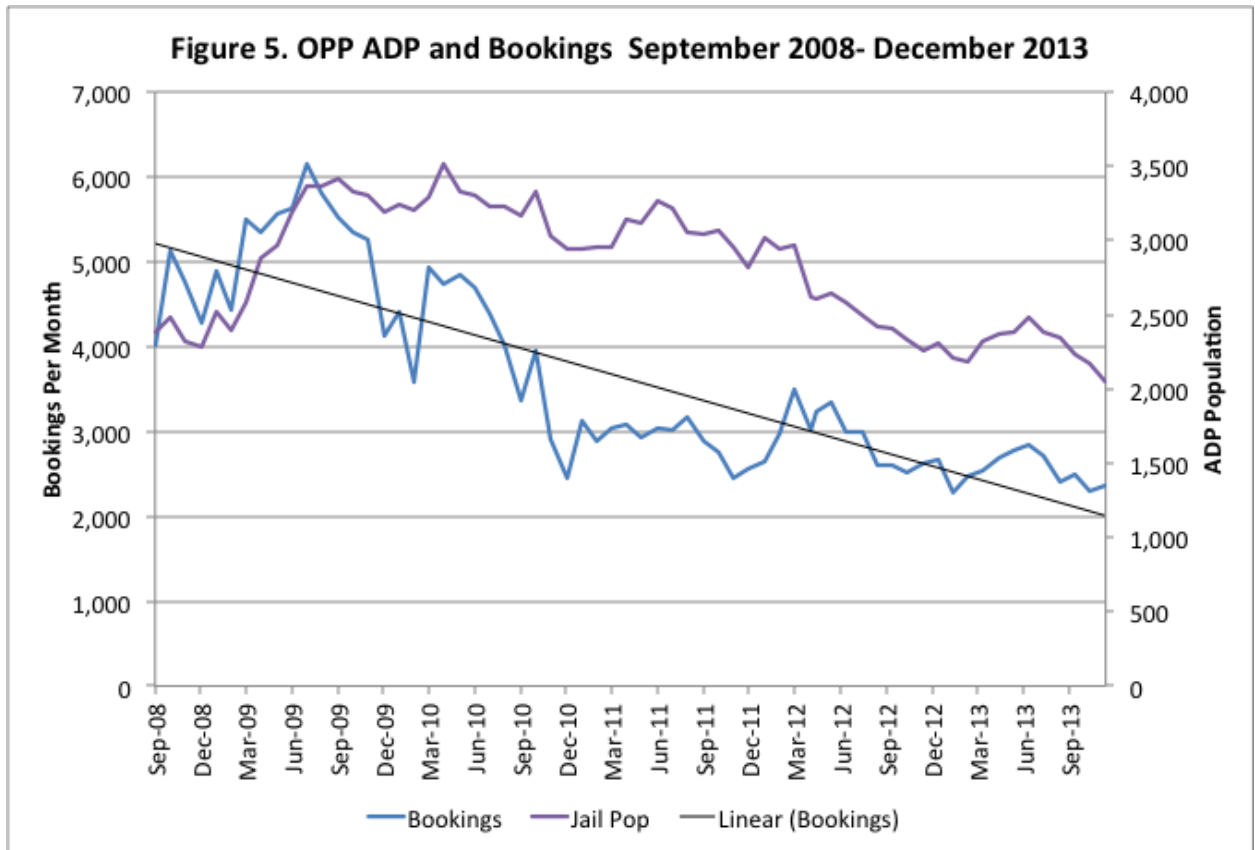


Source: NOPD

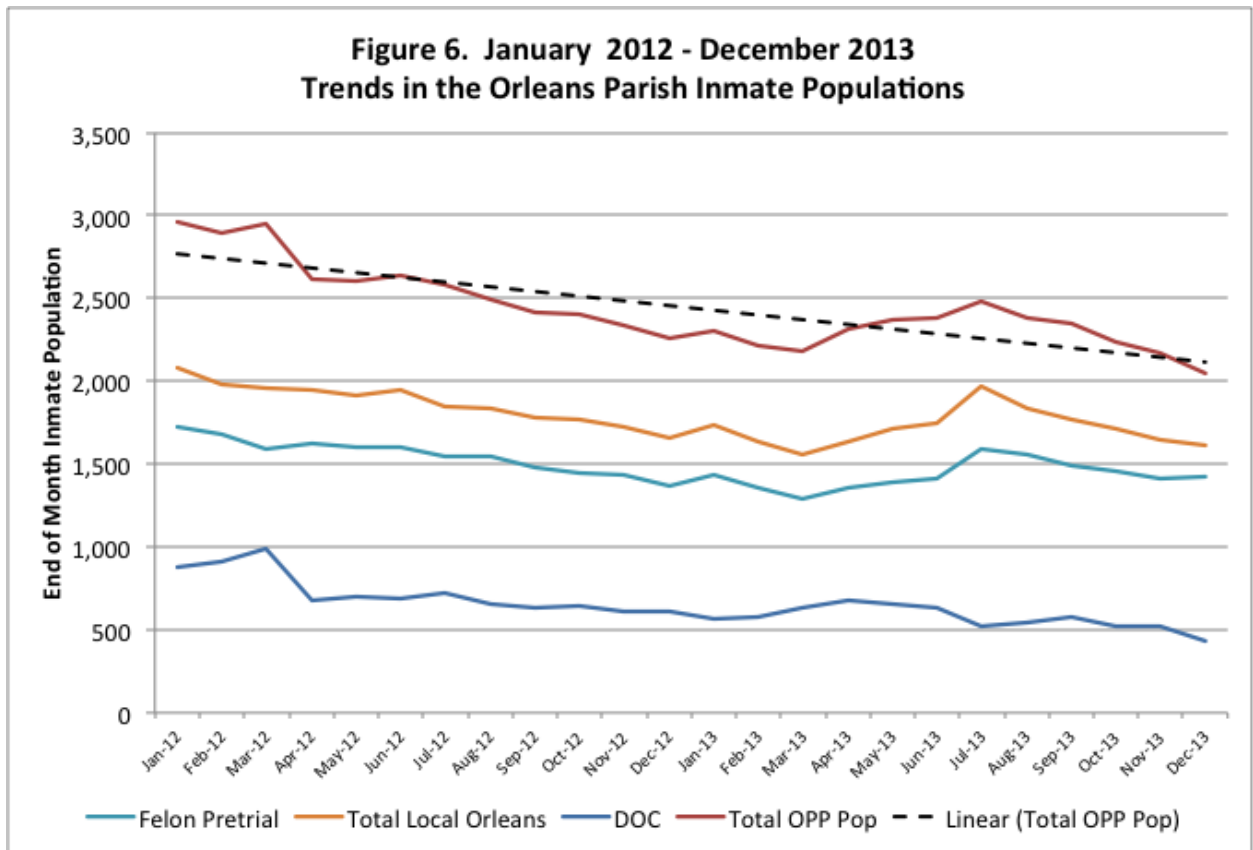
**Figure 4. NOPD Adult Arrests by Type of Arrests
2004-2013**



Source: NOPD



Source: Orleans Parish Sheriff's Office



Source: Orleans Parish Sheriff's Office

**TABLE 2. AVERAGE ANNUAL OPP POPULATIONS BY LEGAL STATUS –
2012 VERSUS 2013**

Legal Status	2013	2012	Difference
Felon Pretrial	1,433	1,553	-120
Total Local	1,716	1,870	-154
DOC	572	728	-156
Total OPP	2,287	2,598	-311

Source: Orleans Parish Sheriff's Office daily count sheets.

Detailed Attributes of the OPP Daily Inmate Population

The next level of analysis focuses on the daily inmate population and the extent to which it is changing. In the pages that follow, more detailed analysis is shown on the specific attributes of the daily OPP population in terms of demographics, criminal offenses, and legal status. These data will begin to highlight those inmate populations that are occupying the largest number of jail beds on the OPP.

Table 3 shows the basic demographics of the current OPP inmate population as of December 17, 2013 – the most recent data snapshot of the OPP population. Similar to most jail systems, the population is disproportionately male (92%) and young (67% age 35 or younger). What is distinctive for the OPP is the extraordinary percentage that is Black (86%) as compared to the size of the metropolitan population.

Table 4 begins to dissect the jail population by the key legal statuses. As shown in the table, the two largest “status” groups are the pretrial and sentenced DOC inmates. Within the pretrial population, the largest group is inmates charged with felony level crimes. There is another group that consists of people who are being held on violations of their terms of probation or parole.

The other piece of information is the average number of days each group has been in custody thus far. We have also added a column that shows how many of each group have been in custody for at least 7 days. The time in custody (or length of stay or LOS) is also a direct measure of how long these people are being incarcerated.

It should be noted that the probation and probation violators can also be charged with other crimes that are related to the violation warrant. A closer review of the parole violators showed that 143 of the 176 violators were in custody for only a parole violation warrant. Further, they had been in custody an average of 79 days. Conversely, only 44 of the probation violators were listed as being charged with just a violation and had been in custody an average of 40 days.

High percentages of people currently in custody have been in custody for at least 7 days which means they were not able to gain quick releases either via bail, bond surety or other forms of non-financial pretrial release. The LOS associated with these groups is discussed in more detail in the next section.

Table 3. DEMOGRAPHIC FOR DECEMBER 17, 2013 POPULATION

Demographic	N=2,152	% of OPP Population	% of Metropolitan Area
Gender			
Female	178	8%	52%
Male	1,974	92%	48%
Race			
Asian	7	0%	3%
Black	1,851	86%	34%
Hispanic	3	0%	8%
White	291	14%	54%
Current Age			
25 or younger	792	37%	10%
26-35	642	30%	14%
36-50	482	22%	21%
Over 50	236	11%	31%

Source: Orleans Parish Sheriff's Office monthly data files.

Table 5 further breaks down the pretrial population by the primary charge the defendant is facing in court. Significantly, a large percentage of this population is charged with a violent crime (48%) followed by non-violent property crimes (33%) and drug crimes (14%). The percentage of defendants charged with violent crimes has increased while non-violent property crimes has decreased. This trend is probably related to the emergence of the pretrial service agency being administered by Vera Institute which has been providing pretrial risk screening services. Vera's work has no doubt increased the release of low risk defendants that otherwise might not have secured release prior to Vera's work. But it also suggests that further reductions in the pretrial population may be more difficult to achieve unless the program is a) expanded and b) provides close supervision to released defendants.

TABLE 4. KEY LEGAL STATUSES OF THE CURRENT OPP JAIL POPULATION

Legal Status	N	%	Average LOS (days)	Number w/ LOS over 7 days
Pretrial	1,153	54%	201	990
State/Felony	1,063	49%	216	956
City/Misd.	69	3%	23	30
Traffic	21	1%	21	4
Sentenced	72	3%	69	64
Parish Prison	17	1%	191	17
City/Misd.	53	2%	31	45
Traffic	2	0%	36	2
DOC Probation Violations	217	10%	124	200
DOC Parole Violations	176	8%	114	161
DOC Sentenced Inmates	468	22%	163	449
Regular DOC	417	19%	147	398
DOC Work Release	51	2%	289	51
Other	81	4%	368.8	65
Total All Detained	2,152	100%	178.3	1,929

Source: Orleans Parish Sheriff's Office monthly data files.

TABLE 5.
COMPARISON OF OPP SNAPSHOTS BY PRETRIAL INMATE MOST SERIOUS CHARGE

Charge	Nov. 2012		Dec. 2013	
	N=1,283	%	N=1,153	%
Violent	555	43%	548	48%
Murder	198	15%	214	19%
Sex	71	6%	76	7%
Assault/Battery	91	7%	120	10%
Robbery	126	10%	78	7%
Other violent	43	3%	44	4%
Domestic violence	26	2%	16	1%
Drugs	177	14%	167	14%
Drug sale	129	10%	127	11%
Drug possession	48	4%	40	3%
Weapons	46	4%	55	5%
Non-Violent	505	39%	383	33%
Burglary	70	5%	54	5%
Theft/fraud/forgery	67	5%	54	5%
Other property	43	3%	18	2%
Other non-violent	325	25%	257	22%

Source: Orleans Parish Sheriff's Office monthly data files.

Length of Stay and Methods of Release

The next level of analysis focused on changes in the length of stay (LOS) for persons released from the OPP. Table 6 shows the number of releases for 2013 as well as the number of individual people that produced those releases. Of the 31,027 releases recorded by the OPSD, approximately 7,000 were multiple releases of the same person. There are 629 people who produced four or more releases in 2013.

The overall length of stay is calculated at 30.9 days but that includes people who are transferred to the DOC who have very long LOSs prior to being transferred. There are also a large number of releases for which the precise method of release is unknown. Finally the inmates that spend the longest period of time in custody are eventually transferred to the custody of the state's DOC. These are inmates who eventually receive a prison term or are returned to the custody of the DOC's probation and parole division. The implication is that pretrial release will be less of an option for these people, but

expediting the court process for such offenders could have a significant impact on the OPP population.

TABLE 6. SUMMARY OF OPP RELEASES AND LENGTH OF STAY (LOS)

Release Statistics	2013	
	Releases	%
Total Releases	31,027	100%
Persons released	24,594	79%
Two releases	4,536	15%
Three releases	1,268	4%
Four or more releases	629	2%
Overall Length of Stay	30.9 days	

Source: OPSD monthly data files

TABLE 7
2013 RELEASES COHORTS BY RELEASE TYPE

Method of Release	2013		
	Releases	%	LOS (days)
Total Releases	31,027	100%	30.9
Surety/property bond	6,152	20%	8.8
Court release	8,826	28%	15.2
Sheriff's "Fast Track"	3,177	10%	0.7
Cash bond	1,928	6%	1.3
Rollout	160	1%	34.7
ROR	1,225	4%	4.6
Time served	738	2%	59.7
Release To DOC/P&P	2484	8%	202.7
DA Refuse	374	1%	117.1
Other/Unknown	5,963	19%	27.2

Source: OPSD monthly data files

TABLE 8. 2013 RELEASES BY LEGAL STATUS AT RELEASE

Legal Status	Releases	%	LOS (days)
Total Releases	31,027	100%	30.9
Warrant	8,642	28%	3.9
DOC	2,531	8%	225.8
Pretrial Felons	7,459	24%	35.4
Sentenced Felons	155	0%	170
Misd./Traffic Pretrial	6,421	21%	3.3
Misd./Traffic Sent.	176	1%	58
City Pretrial	4,892	16%	3.3
City Sentenced	746	2%	20.7
Unknown/Other	5	0%	5.3

Source: OPSD monthly data files

Updated OPP Projections

Projection Policy Simulation Model

Inmate and correctional population projections should not be seen as magic boxes used to predict the future, but instead as tools for understanding the origin and direction of prisoner population changes based on current and alternative criminal justice policies. They are used most effectively to predict future population levels and to analyze the impact of new and proposed changes in laws, policies and administrative practices.

To meet this need, the JFA has developed the Prophet Simulation Software for simulating and forecasting pre-trial, sentenced prisoner, probation, parole and any other correctional populations. This model can be used in a number of ways. Institutional planners may use it to project future population levels to better prepare for increases or decreases in the growing demand for scarce bed space and programmatic resources. Policy makers can foresee the effects of changes in current laws or policies prior to their implementation. Researchers can “sort out” and isolate the effects of specific practices that may otherwise be obscured in the complex web of criminal justice activity.

This model has been used since 1982 by the JFA staff to assist numerous state and local jurisdictions across the country (including the Louisiana Department of Public Safety and Corrections) to provide support for correctional population projections. The model has been used successfully to generate prisoner population forecasts in over 50 state and

local jurisdictions across the country. It was cited by the U.S. GAO as one of the nation's most sophisticated and well-established projection models available to correctional agencies.

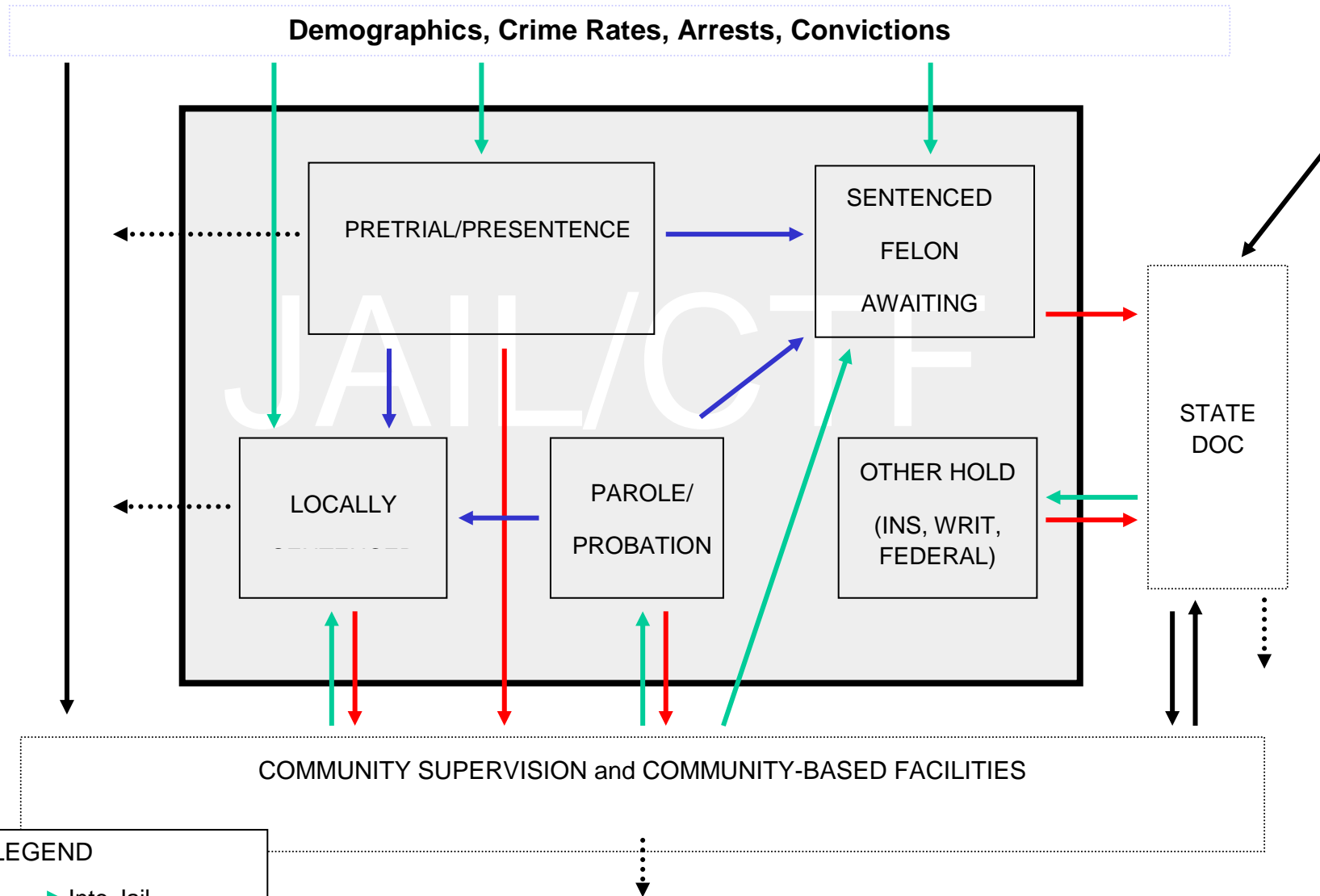
Technical Attributes of the Model

Because no two criminal justice systems are the same, there is no single Prophet model. Instead, the software allows analysts to customize and construct models that mimic the actual flow of prisoners through systems, based on the unique law enforcement, sentencing structure and policy environments of the target system. It is best to think of the Prophet simulation software as a "shell" or beginning structure that can be constructed in any fashion.

The Prophet Simulation model is an example of a stochastic entity simulation model. It is stochastic in the sense that the model is conceptually designed around the movement of individual cases (offenders) into, through, and out of correctional populations defined by the user. The model also makes use of the Monte Carlo simulation techniques by adding an element of randomness to the simulation model.

Random numbers are generated and used by the simulation process to determine the prisoner group composition and lengths of stay associated with a system. Individual cases are processed by the model through a series of probability distribution arrays or matrices, which provide computations for individual cases. When loaded with accurate data, the model will mimic the flow of prisoners through a correctional system.

The forecasted populations are composed of: (1) Cases confined at the beginning of the simulation, and (2) Cases admitted to the population at any point after the start of the simulations. The existing prisoner population and new prisoner admissions are modeled separately. By disaggregating a system in this manner, the user can adjust each of these sub-populations without altering the process of other sub-groups. This is particularly significant for completing "what-if" simulations on the forecasted population.



LEGEND

- Into Jail
- Within Jail
- Out of Jail (in CJS)

Key Assumptions

There are several key assumptions that pertain to the updated “base-line” projection that are summarized here.

Demographic and Crime Trends

As suggested from the data presented at the start of the paper, there are no expected demographic or crime trends that would serve to inflate current OPP admission numbers. Indeed, the long-term trends are downward and may well continue in the future albeit at a lower rate.

Additional Police Officers

There has been a concern raised that the addition of approximately 150 law enforcement officers to the NOPD will inevitably increase the number of arrests, bookings and therefore the OPP inmate population. While this is a possibility, the research and experience both within the NOPD and elsewhere show no causal relationship between the number of police officers, crime rates, arrests and correctional populations. Indeed, there are recent examples in Los Angeles and New York City where so called “smart policing” methods has served to significantly reduce crime rates, felony arrests and local jail populations.² Further, the additional 150 officers reflects about a 13% increase for the current workforce of the current 1,170 sworn officers. In 2010, the work force was 1,500 and steadily declined even as the crime rate also declined. Given all of these factors, the basis for increasing the OPP admissions estimate based solely on the increase in sworn officers is not warranted at this time.

New Crime Reduction Initiatives

There are a number of crime reduction strategies that are being launched by the City which are intended to have positive impact on the city’s crime rate. These are listed below as well as commentary on how they may impact the OPP prison population.

1. NOPD’s increased used of summons in lieu of a formal arrest. This is a continuation of a practice that was implemented in 2012. Thus far it has served to reduce arrests for minor offenses. Fewer arrests also mean fewer bookings which would have a positive impact on the jail population. However, because these are for non-felony minor crimes, their LOS is quite short and they do not occupy a significant number of jail beds at any given time. Nonetheless, there will be a slight decline in the OPP population.

² Steven N. Durlauf and Daniel Nagin, of “Imprisonment and crime: Can both be reduced?” *Criminology & Public Policy*, Volume 10, Issue 1: pages 9–12, February 2011.

2. NOPD's increasing murder clearance rate and the District Attorney's gang indictments (as part of the Multi-Agency Gang Unit) could result in more arrests for more serious crimes. While such crimes make up a small portion of the OPP bookings, they do have a significant LOS which could serve to increase the OPP prison population. It is likely that these indictments will be for people who are being arrested, but now will be exposed to a more vigorous prosecution by the District Attorney. This reform will serve to increase the OPP prison population.
3. If the jail uses videoconferencing for first appearance bond setting, bond amounts may increase, which could result in fewer people making bond. This concern is based on a single study of Cook County's (Chicago) which showed a significant increase in the bail amounts after video conferencing was implemented.³ However, the findings of the Cook County program have not been replicated in other jurisdictions.
4. The NOLA FOR LIFE Workforce Reentry program aims to reduce the recidivism rates for sentenced inmates returning to Orleans Parish. If this program is allowed to continue it would occupy approximately 50 beds at any given time. NOLA FOR LIFE also uses prevention, intervention, enforcement, and rehabilitation strategies to reduce the number of murders and shootings in New Orleans. Reductions in violent crimes will lead to fewer arrests, and a smaller jail population. Little if any research has been completed on the NOLA FOR LIFE initiatives, so no estimates are available.

Removal of the Plaquemines Parish Prisoners

There remain approximately 75 Plaquemines Parish prisoners who are being held in the OPP in a courtesy to the Plaquemines while it constructs an 800 bed prison. That facility is scheduled to be available for occupancy in the next few months. Once the jail is opened it will no longer be necessary to house the 75 inmates in the in the OPP system.

Continued Expansion and Use of Pretrial Release

The Vera Institute was refunded by the City to continue its pretrial release and risk assessment services. It is expected that as the program becomes more accepted by the courts, there will be a modest reduction in the current size of the current pretrial populations. Thus far, there has been an estimated reduction of approximately 186 inmates in the pretrial population. Based on the analysis of the remaining pretrial population and interviews with the Vera pretrial services

³ Diamond, Shari Seidman Diamond,, Locke E. Bowman, Manyee Wong, Matthew M. Patton. 2010. *Efficiency And Cost: The Impact Of Videoconferenced Hearings On Bail Decisions*. The Journal Of Criminal Law & Criminology Vol. 100, No. 3: 867-900.

agency, the next 12 months should produce a further reduction of another 150 pretrial inmates by the end of 2014.⁴

This figure is based on two sources. First, the U.S. Department of Justice's National Institute of Corrections (NIC) issued a report in 2013 that evaluated the current pretrial services program. It found there were approximately 250 pretrial defendants who were assessed as low risk and were charged with non-violent crimes. Second, the Director of the Pretrial Services Program indicated that a 200 reduction in the pretrial population is feasible based on their risk screening results. JFA has reduced that estimate by 50 for the purposes of establishing a more cautious estimate of how much the pretrial population could be reduced.

Efficiencies in the court processing of felony level charges with and without probation or parole holds

Our analysis has shown that if a defendant is unable to secure immediate release via bail, surety bond or R.O.R, they will remain in custody for several weeks or months until the courts dispose of their cases. In most of these cases, the final disposition will be credit for time served, probation or a sentence to state prison. Delays in reaching a disposition often stem from multiple charges that occurred on different dates and/or probation and parole violations. Two examples were suggested by the District Attorney's staff that if implemented would reduce the final disposition of such cases.

One example is where a person has been convicted of a felony crime, but also has related municipal traffic violations. For example, one case we reviewed was a person who was arrested for speeding, but was also found to in possession of a firearm which is a felony charge for an ex-offender. Once this person was convicted to state prison for 10 years, he remained in custody for several weeks to address the traffic violations. A policy that would either dismiss or quickly address the far less serious traffic violations that absent the felony charge would not result in a prolonged detention.

The second example involved probation violators who also have a pending charge. Current practice is to prosecute the person on the felony charge and then address the probation violation. This sequencing of the pending matters before the courts only serves to delay a final disposition of either returning the probationer to community supervision or revoking probation and re-instating prison term.

Finally, there are approximately 50 probation and parole violators who have no other charges but the technical violation. They have been in custody for an average of 48 days thus far.

⁴ Klute, Tara Boh and Lori Eville, 2013. New Orleans Pretrial Services: An Assessment of the Pretrial Services Program, NIC TA#: 13C1066.

Removal of State DOC Inmates

A key question for a number of years is whether offenders sentenced to state prison should or can be transferred to the state DOC facilities. One issue is not in question. The DOC inmate population is declining and is projected to continue to decline from a previous high of approximately 40,200 to 38,000 over the next few years. So there is sufficient capacity in the state prison system to accommodate the 500 OPP state sentenced prisoners.

Further, there is significant variation among Louisiana's parishes in the housing state DOC inmates in local jails. Neighboring Jefferson Parish has only an average of 25 DOC sentenced inmates at its correctional facility. East Baton Rouge houses an average of 325 DOC inmates – again well below the 500-600 level for Orleans. One of the largest is St. Tammany Parish with approximately 1,000 DOC inmates.

To better understand the legal status of the DOC population, a random sample of 30 DOC sentenced inmates was drawn and reviewed with a representative of the District Attorney's office. The direct question was whether there was any legal reason why the inmate could not be transferred to the DOC. It was discovered that a portion of the population had been misclassified by the OPP as a DOC sentenced inmate. These cases tended to be prisoners who only had a parole violation or had a hold from another Parish. The result was that approximately 90% of the sample could be legally transferred to the DOC.

CY 2014 Projections

Based on the above analysis, projections have been developed that reflect current demographic, crime, arrest and criminal justice court processing procedures. Table 9 summarizes the expected OPP populations for CY2014. The so-called base projection would be reflected in the column listed as "2014 Current Trends" which shows a reduction of 184 in the average daily population. It should be noted that this was the actual population as of December 31, 2013 which also reflects the traditionally low point of the OPP population for the calendar year.

The next column shows the impact of implementing the various policies that have been described earlier (increased pretrial release, efficiency in the court processing, releasing pure technical parole and probation violators) in a timely manner, and the transfer of 362 DOC sentenced inmates to the DOC (this would still result in 181 DOC inmates left on the OPP on any given day). The net result of these policies would lower the OPP population to an ADP of 1,509 for CY2014.

We then apply a 7.5% peaking factor to estimate the number of beds required to safely house this average daily population for CY2014. The 7.5% is applied to the ADP which means a 15%

range in the highest and lowest projected populations. The peaking factor is normally set for a range of 5-10%. The 7.5% rate was based on the actual seasonal fluctuations that have been observed for the past two years plus the need to ensure adequate beds for the special management populations (disciplinary segregation, administrative segregation, protective custody, severe mental health and severe medical care). These special populations generally constitute about 8-10% of a jail or prison population.⁵

It should also be noted that on any given day there is a significant number of inmates who are either not in a facility but have been transferred to the courts for an appearance or are in the booking area. The OPP has reported that as many as 200 inmates are in the court holding unit (Docks) at any given time. Further there are an number of inmates who are in the process of being booked in the intake area who are on the count but are not in a cell (in fact many will never be placed in a cell as they are released prior to cell assignment). The new jail has a very large booking area that can also hold approximately 200 inmates at any given time. Similar to the recently constructed kitchen and warehouse facility, the booking area is far larger than needed. It was designed with the belief that the jail population would exceed 5,000 inmates. These factors should also be considered in assessing the adequacy of the 7.5% peaking factor.

When the 7.5% rate is applied, it shows that the total bed needs for the OPP inmate population in CY 2014 would range from 2,236 beds to 1,624 beds depending on the policies adopted by the Parish criminal justice system and agencies.

CY 2015 Projections

It is entirely possible and practical to assume the OPP prisoner population could eventually be reduced by another 200 inmates to 1,309 inmates within two years. This estimate is based on the U.S. DOJ NIC study that found a large number of the pretrial felony population who are charged with non-violent crimes are low risk, plus, the fact that it now takes an average of 40 days for criminal cases to reach the first arraignment hearing. Further, the DOC sentenced population could also be reduced by at least another 50 inmates. Even at the 1,309 jail population the Orleans Parish Prison Population rate would be 367 inmates per 100,000 population which is well above the U.S. national jail rate of 237 inmates per 100,000 population.

Using a 7.5% peaking and classification factor, the long-term bed need capacity for a 1,309 average daily inmate population would be 1,409 beds.

⁵ Austin, James and Kenneth McGinnis, 2004. *Classification of High-Risk and Special Management Prisoners: A National Assessment*. Washington, DC: U.S. Department of Justice, national Institute of Corrections.

Further reductions in the OPP population in the outlying years can be anticipated as the effects of the consent decrees on the NPPD and OPP, plus, the Mayor's crime prevention and economic initiatives should serve to reduce the existing high rates of crime, arrests and recidivism. Reforms in the NOPD and crime prevention will be especially significant given that much of the explanation for the high incarceration rate in Orleans is directly related to the high number of arrests per capita. To illustrate, if Orleans's Parish incarceration rate was based on the number of adult arrests per year rather than the number of people in the parish, Orleans rate is similar to other jurisdictions with low rates per capita (see Table 10).

**Table 9. Current and Projected CY 2014 and CY 2015 Average OPP Population
By Legal Status and Proposed Criminal Justice Policies**

Legal Status	2013	2014 Current Trends	2014 New Policies	Net Population
Pretrial	1,153	1,095	-156	939
State/Felony	1,063	1,010	-125	885
City/Misd.	69	66	-26	40
Traffic	21	20	-5	15
		0		0
Sentenced	72	68	-1	67
Parish Prison	17	16	0	16
City/Misd.	53	50	-1	49
Traffic	2	2	0	2
				0
DOC Probation Violations	217	206	-26	180
DOC Parole Violations	176	167	-26	141
				0
DOC Sentenced Inmates	571	542	-362	181
Regular DOC	509	484	-302	182
DOC Work Release	62	59	-59	0
Plaquemines Parish	75	0	0	0
Projected 2014				
Total All Detained	2,264	2,080	-570	1,510
Peaking Factor @7.5%	2,434	2,236	NA	1,624
Projected 2015				
Total All Detained		2,017	-200	1,310
Peaking Factor @7.5%		2,168	-215	1,409

Table 10. Comparisons of Key Cities by Crime, Arrest and Jail Population Rates 2011

	National	San Francisco	Los Angeles	New Orleans	New York City
Population	305,529,327	807,048	9,962,789	346,974	8,175,133
Crime Rate/100,000	3,246	4,556	2,766	4,836	2,256
Violent Rate	387	676	504	792	582
Property Rate	2,859	3,880	2,262	4,044	1,674
Arrests	13,689,216	26,329	306,225	38,000	343,314
Arrest Rate Per 1,000 Population	45	33	31	110	42
Jail Population	748,728	1,533	15,200	1,581	13,049
Jail/Pop Rate Per 100,000 Pop	245	190	153	456	160
Jail/Arrests Per 1,000 Arrests	55	58	50	42	38